

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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BARBARA LOVRETA,	)	No. 2:19-cv-02462-SHL-cgc
Plaintiff,	)	
v.	)	
TREGO-DUGAN AVIATION,	)	
Defendant.	)	
	)	

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**ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL,  
ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE**

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Before the Court is Magistrate Judge Claxton's Report and Recommendation ("Report"), filed February 21, 2020. (ECF No. 9.) Magistrate Judge Claxton recommends dismissal of the Complaint for failure to state a claim because Plaintiff fails to specify her age or disability as well as other elements which would provide fair notice of this claim and the grounds upon which it rests.

On March 6, 2020, Plaintiff requested additional time to respond to the Report due to pending medical procedures. (ECF No. 10.) On March 16, 2020, the Court granted Plaintiff's motion and extended the deadline to file any objections to April 21, 2020. (ECF No. 11.) To date, no objections have been filed.

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for involuntary dismissal of an action for failure to prosecute. 28 U.S.C. § 636(b)(1)(B). "Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1). A district court

reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. Fed. R. Civ. P. 72(b)(3); see also 28 U.S.C. § 636(b)(1).

The amended deadline to object to the Report was April 21, 2020, and Plaintiff filed no objections. The Magistrate Judge found that Plaintiff did not provide “fair notice of what the . . . claim is.” (ECF No. 24, PageID 24) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)). The Court has reviewed the Complaint (ECF No. 1) and agrees. The Court has also reviewed the Report for clear error and finds none. Therefore, the Court **ADOPTS** the Magistrate Judge’s Report. Plaintiff’s claim is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim.<sup>1</sup>

**IT IS SO ORDERED**, this 13th day of May, 2020.

s/ Sheryl H. Lipman  
SHERYL H. LIPMAN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiff also filed a Motion to Appoint Counsel. (ECF No. 8.) There is no right to appointed counsel in civil cases, including litigants proceeding in forma pauperis. See Lanier v. Bryant, 332 F.3d 999, 1006 (6th Cir. 2003) (“The appointment of counsel in a civil proceeding is not a constitutional right and is justified only in exceptional circumstances.”) Because there are no exceptional circumstances here, the Motion is **DENIED**.